

Summary of Proposed Revisions to Local Rules and Forms Effective January 1, 2025

RULE CHANGES

<u>RULE NUMBER</u>	<u>PROPOSED CHANGE</u>	<u>BRIEF DESCRIPTION</u>
<u>Rule 3—Civil</u>		
3.14	Amend	Ex Parte Matters
3.15	Repeal	Informal Discovery Conferences (<u>REPEALED</u>)
<u>Rule 4—Civil</u>		
4.12 (h)	Amend	Telephonic Appearances
4.14	Amend	Electronic Filing and Service of Pleadings and Documents
<u>Rule 5—Family Law</u>		
5.22	Adopt	Local rule for court communication protocol as required by CRC 5.445
<u>Rule 9—Civil</u>		
9.2 (c)	Amend	Schedule of Attorney Fees
9.2 (d)	Amend	Attorney Fees in Unlawful Detainer Actions
9.3 (a)	Amend	Attorney Fees in Open Book Accounts
<u>Rule 14—Civil</u>		
14.1	Amend	Telephonic Appearances
14.3(a)	Amend	Cases Filed as Limited Civil Matters
14.3(b)	Amend	Cases Filed as Unlimited Civil Matters
14.3(c)	Amend	Schedule of Attorney Fees
<u>Rule 20—Electronic Filing, Service, and Evidence</u>		
20.1	Adopt	New rules to govern electronic filing, service, and evidence, all of which presently limited to civil, family, and probate. The current proposal concerns only electronic filing and service. The rule also serves as a placeholder for future rules concerning the submission and use of electronic evidence.
20.2	Adopt	

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FORM CHANGES

<u>FORM NUMBER</u>	<u>FORM NAME</u>	<u>PROPOSED CHANGE</u>	<u>BRIEF DESCRIPTION</u>
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No form changes proposed

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Rule 3 – Civil Cases

3.14 EX PARTE MATTERS

~~Ex parte matters will be heard upon appointment scheduled directly with the designated department. The date and time of the ex parte hearing must be confirmed with the designated department prior to the moving party giving notice of the hearing. For purposes of this rule, the designated department is the department already assigned to the case, or, if the case has not yet been assigned to a department or judicial officer, the designated department is the department assigned by the Supervising Judge.~~

Each civil department manages its own ex parte hearings and determines whether and how they are set. For purposes of this rule, the designated civil department is the department assigned to the case for all purposes, or, if the case has not yet been assigned to a department or judicial officer, the designated civil department is the department assigned by the Civil Division Supervising Judge.

Unless otherwise expressly authorized by law, a party requesting ex parte relief related to law and motion matters shall file the underlying motion prior to or contemporaneously with filing of the ex parte application. The ex parte application shall comply with, and is subject to, California Rules of Court, rules 3.1200 et seq. 3.1200-3.1207.

If the department sets an ex parte hearing, the department shall provide the moving party with the ex parte hearing date and time. It is the moving party's obligation to comply with the noticing requirements in California Rules of Court, rules 3.1200 et seq.

An ex parte hearing shall be conducted only following the filing of the ex parte application and supporting paperwork, the filing of any underlying related motion, and payment of any applicable filing fees. Prior to the commencement of the hearing, the moving party shall file a declaration under penalty of perjury confirming that timely notice was provided to the opposing side, including the date, time, manner of notice, and name of any person so informed, and showing proof of service of any applicable papers.

A request to schedule an ex parte hearing may be summarily denied without hearing when the request fails to meet the criteria set forth in California Rules of Court, rules 3.1200-3.1207. Ex parte applications submitted to seek scheduling relief from court setting guides or caps, but which do not otherwise seek relief from the Code of Civil Procedure or California Rules of Court, may be summarily granted without a hearing.

~~An ex parte hearing shall be conducted only following the filing of the ex parte application and supporting paperwork, any underlying related motion, and proof of satisfaction of any filing fees. Prior to the commencement of the hearing, the moving party shall file a declaration under penalty of perjury confirming that notice was provided to the opposing side, including the date, time, manner and name of any party so informed and proof of~~

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~~service of any applicable papers.~~

(Rule 3.14 ~~amended effective January 1, 2025~~~~renumbered effective July 1, 2020~~; Rule 3.13 amended effective July 1, 2018; adopted as Rule 3.21 effective January 1, 1998; previously amended effective July 1, 2005; previously amended effective July 1, 2009; renumbered as Rule 3.13 effective January 1, 2010; amended effective July 1, 2010; amended effective July 1, 2011; amended effective July 1, 2013; renumbered effective July 1, 2020.)

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3.15 INFORMAL DISCOVERY CONFERENCES (CCP § 2016.080) [REPEALED]

~~Requests for informal discovery conferences made per Code of Civil Procedure section 2016.080 shall be filed with the clerk's office.~~

~~A request for an informal discovery conference shall include a declaration with facts showing the requesting party made a reasonable and good faith attempt at an informal resolution of each issue presented. A request for an informal discovery conference shall also include a statement enumerating the specific discovery requests at issue, identified by type, set, and number (e.g. Plaintiff's Special Interrogatories, Set Two, Numbers 7, 9, 13 and 14); a copy of the discovery propounded that is at issue (e.g. a copy of Plaintiff's Special Interrogatories, Set Two); a copy of any response received to the discovery at issue (e.g. a copy of Defendant's Response to Plaintiff's Special Interrogatories, Set Two); and a brief explanation as to the nature of the dispute for each discovery request at issue.~~

~~Each attorney appearing at the informal discovery conference shall have authority to enter into binding agreements concerning discovery on behalf of their client.~~

~~(Rule 3.15 *renumbered effective July 1, 2020*; repealed effective January 1, 2025; Rule 3.14 adopted effective July 1, 2018; former Rule 3.14 repealed effective July 1, 2011; Rule 3.15 renumbered effective July 1, 2020.)~~

3.16 MOTIONS TO CONSOLIDATE

Motions to consolidate cases shall be heard in the department to which the case with the lowest file number is assigned.

In the event that cases are consolidated and unless otherwise ordered by the judicial officer hearing the consolidation motion, the pleadings filed thereafter shall be filed in the case file with the lowest file number and the consolidated case shall be assigned for all purposes to the judge to which the case with the lowest file number is assigned.

(Rule 3.16 renumbered effective July 1, 2020; Rule 3.15 amended effective July 1, 2010; adopted as Rule 3.26 effective January 1, 1998; renumbered as Rule 3.15 effective January 1, 2010.)

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**Rule 4 – Administration of Civil Litigation
(Trial Court Delay Reduction Act)**

(Subd (d) amended effective January 1, 2009; adopted effective January 1, 1998.)

e. EXCUSE FROM RULE REQUIREMENT

Any requirement of these rules may be excused by the court upon a showing of good cause.

(Subd (e) amended effective January 1, 2009; adopted effective January 1, 1998.)

f. UNINSURED MOTORIST CASE [Repealed]

(Subd (f) repealed effective July 1, 2011; adopted effective January 1, 1998; amended effective January 1, 2009.)

g. REMOVAL TO FEDERAL COURT [Repealed]

(Subd (g) repealed effective July 1, 2011; adopted effective January 1, 1998; amended effective January 1, 2009.)

h. TELEPHONIC APPEARANCES

Litigants or counsel wishing to appear ~~remotely by telephone~~ per California Rules of Court, rules 3.670 and 3.672 shall refer to the Court's website at www.solano.courts.ca.gov and follow the procedures as set forth on the website. Litigants or counsel wishing to appear ~~remotely telephonically~~ shall be responsible for all fees and costs charged by the service provider.

(Subd (h) amended effective January 1, 2025~~July 1, 2017~~; adopted effective January 1, 2009; previously amended effective January 1, 2010 and July 1, 2017.)

i. BENCH COPIES OR CHAMBERS COPIES

At the discretion of the judicial officer assigned to the case, parties may be required to deposit an additional copy of specific documents directly with the assigned judicial department.

(Subd (i) adopted effective July 1, 2014.)

(Rule 4.12 amended effective January 1, 2025~~July 1, 2017~~; previously amended effective July 1, 2011; adopted as Rule 4.14 effective January 1, 1998; previously amended effective January 1, 2009; amended and renumbered effective January 1, 2010; previously amended effective July 1, 2014 and July 1, 2017.)

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(Subd (c) relettered effective January 1, 2010; adopted as unlettered part of Rule 4.15 effective January 1, 1998.)

d. **SANCTIONS AGAINST ATTORNEYS**

If the court determines that the failure to comply with the rules is the responsibility of a party's attorney or counsel, the penalty shall be imposed on the attorney or counsel personally and shall not adversely affect the party's cause of action or defense thereto.

(Subd (d) adopted effective January 1, 2010.)

(Rule 4.13 amended and renumbered effective January 1, 2010; adopted as Rule 4.15 effective January 1, 1998.)

4.14 ELECTRONIC FILING AND SERVICE OF PLEADINGS AND DOCUMENTS

~~The court does not permit electronic filing as defined in California Rules of Court, rule 2.250. However, nothing in this rule shall be construed as prohibiting or otherwise limiting service of documents electronically as provided elsewhere in the California Rules of Court. See Solano County Local Rule 20.~~

(Rule 4.14 amended effective January 1, 2025; adopted effective July 1, 2010; previous Rule 4.14 renumbered as Rule 4.12 effective January 1, 2010.)

4.15 ELECTRONIC SERVICE OF DOCUMENTS IN COMPLEX LITIGATION

In all cases designated as "complex" per California Rules of Court, rule 3.403, the following rule shall apply, unless modified by court order.

a. **ELECTRONIC SERVICE OF DOCUMENTS**

- (1) All documents shall be served electronically as set forth in this order and in California Rules of Court, rule 2.251.
- (2) Original documents must be filed with the court as required by the Code of Civil Procedure, the California Rules of Court, or the local rules of the Superior Court of California, County of Solano. Nothing in this rule shall be construed to require or permit electronic filing of documents with the court.
- (3) Per California Rules of Court, rule 2.253(b)(1)(F), this rule shall apply only

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**Rule 5 – Family Law
PART THREE: Child Custody and Visitation**

statement as to what action, if any, it deems appropriate to deal with the complaint.

- (6) If either party or attorney for a minor is not satisfied with the court’s determination, he or she may file a noticed motion requesting other specified relief. Such motion shall be in compliance with Code of Civil Procedure section 1005 and shall be served on the other parties, the attorney for the minor child, and the evaluator or investigator. The evaluator or investigator shall appear at the hearing. The cost of the evaluator’s or investigator’s appearance shall be advanced by the complainant, with the court reserving jurisdiction over the allocation of such cost.

(Subd (c) adopted effective January 1, 2013.)

d. PEREMPTORY CHALLENGE AGAINST EVALUATOR

There shall be no “peremptory challenges” of the appointed evaluator.

(Subd (d) adopted effective January 1, 2013.)

e. EVALUATOR’S PETITION FOR WITHDRAWAL FROM A CASE

A private evaluator shall have the right to petition for withdrawal from a case to which he or she has been appointed. Such petition shall demonstrate good cause for the withdrawal request. The petition shall be filed and served in compliance with Code of Civil Procedure section 1005.

(Subd (e) adopted effective January 1, 2013.)

(Rule 5.21 adopted effective January 1, 2013.)

5.22 COURT COMMUNICATION PROTOCOL (CRC 5.445)

The court shall adopt a communications protocol and procedure as required by California Rule of Court, rule 5.445.

(Rule 5.22 adopted effective January 1, 2025.)

5.225.23 – 5.29 [RESERVED]

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**Rule 9 – Attorney Fees in Default Matters,
Promissory Notes, Contracts, and Foreclosures**

(Subd (d) amended effective January 1, 2010; adopted effective May 13, 1988.)

e. ATTORNEY FEES IN UNLAWFUL DETAINER ACTIONS

The fee schedule set forth in Rule 9.1 shall not apply to unlawful detainer actions, which are governed by Rule 14.~~3~~ 2.

(Subd (e) adopted effective January 1, 2010.)

(Rule 9.1 amended effective January 1, 2012; adopted effective May 13, 1988; amended effective January 1, 2009, and January 1, 2010.)

9.2 ATTORNEY FEES - LIMITED CIVIL MATTERS

a. ATTORNEY FEES FOR DEFAULT LIMITED CIVIL MATTERS (CCP §585(a))

Except for open book accounts, attorney fees in default limited civil matters shall be calculated on the principal obligation only per the schedule set forth in subsection (c), subject to any limitations set forth elsewhere in Rule 9.

(Subd (a) amended effective January 1, 2012; adopted effective May 13, 1988; amended effective January 1, 2009.)

b. REQUEST FOR FEES IN EXCESS OF SCHEDULED FEES

Any attorney seeking fees in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).

(Subd (b) amended effective January 1, 2009; adopted effective May 13, 1988.)

c. SCHEDULE OF ATTORNEY FEES

<u>Amount</u>	<u>Fees</u>
\$1.00 to \$600.00	\$150.00
\$600.01 0 to \$1,000.00	\$150.00 plus 25% of amount over \$600.00
\$1,000.01 0 to \$10,000.00	\$250.00 plus 15% of amount over \$1,000.00
\$10,000.01 0 and above to \$25,000.00	\$1,600.00 plus 10% of amount over \$10,000.00

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**Rule 9 – Attorney Fees in Default Matters,
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(Subd (c) amended effective January 1, ~~2025~~2009; adopted effective May 13, 1988; previously amended effective January 1, 2009.)

d. ATTORNEY FEES IN UNLAWFUL DETAINER ACTIONS

The fee schedule set forth in Rule 9.2 shall not apply to unlawful detainer actions, which are governed by Rule 14.3.

(Subd (d) amended effective January 1, ~~2025~~2010; adopted effective May 13, 1988; previously amended effective January 1, 2010.)

(Rule 9.2 amended effective January 1, ~~2025~~2012; previously adopted as unlettered portion of Rule 9.1 effective May 13, 1988; adopted as Rule 9.2 effective January 1, 2009; previously amended effective January 1, 2010 and January 1, 2012.)

9.3 OPEN BOOK ACCOUNTS - UNLIMITED AND LIMITED CIVIL

a. ATTORNEY FEES IN OPEN BOOK ACCOUNTS

Subject to subsection (b), attorney fees in all open book accounts shall be calculated on the principal obligation only pursuant to the following schedule:

<u>Amount</u>	<u>Fees</u>
\$1.00 to \$600.00	\$150.00
\$600.0 10 to \$1,000.00	\$150.00 plus 25% of amount over \$600.00
\$1,000.0 10 to \$10,000.00	\$250.00 plus 15% of amount over \$1,000.00
\$10,000.0 10 to \$25,000.00 <u>and above</u>	\$1,600.00 plus 10% of amount over \$10,000.00

(Subd. (a) amended effective January 1, 2025; previously amended effective January 1, 2012.)

b. MAXIMUM ALLOWABLE ATTORNEY FEES IN OPEN BOOK ACCOUNTS

The maximum fee allowable in open book accounts shall be as set forth in Civil Code section 1717.5.

(Subd. (b) amended effective July 1, 2016; previously amended effective January 1, 2012.)

(Rule 9.3 amended effective ~~July 1, 2016~~ January 1, 2025; adopted effective January 1,

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2009; previously amended effective January 1, 2012 and July 1, 2016.

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Rule 14 – Unlawful Detainer

14.1 TELEPHONIC APPEARANCES

Remote Telephonic appearances in unlawful detainer cases will be permitted only to the extent authorized by California Rules of Court, rules 3.670 and 3.672, and in the manner required by ~~that rule~~those rules and Solano County Local Rules, rule 4.12(h).

(Rule 14.1 amended effective January 1, 2025; adopted effective January 1, 2009; previously amended effective January 1, 2010.)

14.2 TRIAL MANAGEMENT

The court may, in its discretion, order the parties to an unlawful detainer matter to participate in a trial management conference and/or settlement conference in cases where the case is to be tried by a jury.

(Rule 14.2 adopted effective January 1, 2010.)

14.3 ATTORNEY FEES IN DEFAULT MATTERS

a. CASES FILED AS LIMITED CIVIL MATTERS

In default unlawful detainer actions filed as limited civil matters, the attorney fees are fixed upon the schedule set forth in subsection (c), based on principal only, with a minimum of \$300.00. The term “principal” includes any rent amount awarded plus holdover damages awarded, but excludes interest and costs. The maximum fee shall not exceed the court's jurisdiction. Any attorney seeking fees in an unlawful detainer action in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).

(Subd (a) amended effective January 1, 2025; previously adopted as unlettered portion of Rule 9.1 effective May 13, 1988; amended and relettered as Subd (d) of Rule 9.1 effective January 1, 2009; adopted as subd (a) effective January 1, 2010; previously amended effective January 1, 2012.)

b. CASES FILED AS UNLIMITED CIVIL MATTERS

In default unlawful detainer actions filed as unlimited civil matters, the attorney fees are fixed upon the schedule set forth in subsection (c), based on principal only, with a minimum of \$300.00. The term “principal” includes any rent amount

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awarded plus holdover damages awarded, but excludes interest and costs. Any attorney seeking fees in an unlawful detainer action in excess of those provided for by the schedule in subsection (c) is required to apply for a hearing on the Default Calendar or supply an affidavit in accordance with Code of Civil Procedure section 585(d).

(Subd (b) amended effective January 1, 2025; adopted effective January 1, 2010; previously amended effective January 1, 2012.)

c. SCHEDULE OF ATTORNEY FEES

Attorney fees in unlawful detainer actions shall be calculated as follows:

25% of the first \$1,000, with a minimum of \$300
15% of the next \$9,000
10% of the next \$15,000
7% of any amount above \$25,000

(Subd (c) amended effective January 1, 2025; adopted effective January 1, 2010.)

(Rule 14.3 amended effective January 1, 2025; adopted effective January 1, 2010; previously amended effective January 1, 2012.)

14.4 DEMURRERS, MOTIONS TO STRIKE AND OTHER MOTIONS WITH NO SPECIFIC STATUTE STATING OTHERWISE

To effect the summary intent of the unlawful detainer statutes, the Court finds good cause to set unlawful detainer hearings on all demurrers, motions to strike, and any other motions for which there is no specific statute stating otherwise pursuant to Code of Civil Procedure §1167.4, and treat said motions for scheduling purposes as motions to quash. Code of Civil Procedure §1179a; Greener v. WCAB (1993) 6 Cal. 4th 1028, 1036; Delta Imports, Inc. v. Municipal Court (1983) 146 Cal. App. 3d 1033.

(Rule 14.4 adopted effective July 1, 2022.)

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Rule 20 – Electronic Filing, Service, and Evidence

20.1 SCOPE AND POLICY

This rule governs permissive and mandatory electronic filing and service of documents in the Superior Court of California, County of Solano as authorized by California Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.250 et seq. and 5.552. Unless this rule provides otherwise, parties filing and serving documents electronically shall comply with all requirements for electronic filing and service as set forth in the applicable statutes and rules.

(Rule 20.1 adopted effective January 1, 2025.)

20.2 CIVIL CASES

a. ELECTRONIC FILING AND SERVICE

Electronic filing and service is mandatory for attorneys in civil, family, and probate cases. Self-represented parties and non-parties are exempt from the mandatory electronic filing and service requirements but are encouraged to participate. All documents shall be filed and served electronically, except when personal service is required by statute or rule and excluding ex parte applications.

(Subd (a) adopted effective January 1, 2025.)

b. REQUEST FOR EXEMPTION OR SIGNIFICANT PREJUDICE

Any attorney representing a party may request to be excused from the mandatory electronic filing and service requirement by showing undue hardship or significant prejudice. An attorney requesting to be excused shall file with the Clerk of the Court and service on all parties a Request for Exemption from Mandatory Electronic Filing and Service (Judicial Council Form EFS-007) with a Proposed Order (Judicial Council Form EFS-008).

An attorney who requests an exemption shall be served with documents in paper form until the Court rules on the request.

Undue hardship or significant prejudice does not include the inability to pay fees for electronic filing.

Self-represented parties, non-parties, and attorneys excused from electronic filing must be served as required by statute or rule of court.

(Subd (b) adopted effective January 1, 2025.)

c. ELECTRONIC FILING SERVICE PROVIDER (EFSP)

All documents electronically filed, whether mandatory, permissive, by court order, or by stipulation of parties, must be electronically filed using the court's electronic service provider(s) and must comply with the court's electronic filing requirements. All requirements, FAQs, and a list of service providers is available on the court's website.

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(Subd (c) adopted effective January 1, 2025.)

d. FEES

Electronic filing service providers (EFSP) may charge reasonable fees in addition to any filing fees required by the court. A party who has received a fee waiver is not required to pay filing fees, but may be subject to EFSP processing fees for electronic filing and service.

(Subd (d) adopted effective January 1, 2025.)

e. EFFECTIVE DATE AND TIME OF ELECTRONIC FILING

Documents received by the court for electronic filing at or prior to 11:59 p.m. on any court day, which otherwise satisfy all requirements for filing, will be deemed filed on that court day as provided in California Rules of Court 2.253(b)(6) and 2.259. The court will issue a confirmation that the document has been received and filed in accordance with California Rule of Court 2.259. The confirmation shall serve as proof that the document(s) has been filed.

(Subd (e) adopted effective January 1, 2025.)

f. REDACTION OF CONFIDENTIAL INFORMATION

Per California Rules of Court, rule 1.201, the responsibility for redacting personal identifiers and privileged or confidential information rests solely with counsel and the parties. The clerk will not review pleadings of other documents for compliance with the law. The court may impose sanctions for violation of these requirements.

(Subd (f) adopted effective January 1, 2025.)

g. COURTESY COPIES

The court may order the delivery of paper courtesy copies of electronically filed documents.

(Subd (g) adopted effective January 1, 2025.)

h. ELECTRONIC SIGNATURES

California Rules of Court, rule 2.257, should be followed regarding signatures on electronically filed documents.

(Subd (h) adopted effective January 1, 2025.)

i. FILING DOCUMENTS INTENDED FOR MULTIPLE CASES

Any party seeking to file a single document into multiple cases must e-file that document separately

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into each case. The clerk’s office will not place a document from one case into another on behalf of the party.

(Subd (i) adopted effective January 1, 2025.)

j. DOCUMENTS EXEMPT FROM E-FILING

Absent any statute or California Rule of Court to the contrary, the following documents are exempt from e-filing:

- Any order with an original judicial officer’s signature;
- Domestic Violence Restraining Orders;
- Civil Harassment Restraining Orders;
- Workplace Violence Restraining Orders;
- Gun Violence Restraining Orders;
- Notice of Defendant’s Deposit of Jury Fees (CCP Section 631(b));
- Family Law Request for Entry of Default;
- Family Law Judgment and Notice of Entry of Judgment;
- Original Will and Codicil;
- Probate Letters and Bonds;
- Copy Requests;
- Exhibits to be lodged for Hearings or Trials;
- Subpoenaed Documents;
- Sealed Records;
- Notice of Appeal (subsequent filings may be filed electronically);
- Request for Administrative Records;
- Any paper document ordered by the court to be filed in the clerk’s office.

(Subd (j) adopted effective January 1, 2025.)

k. ELECTRONIC SERVICE OF DOCUMENTS IN COMPLEX LITIGATION

See Rule 4.15.

(Subd (k) adopted effective January 1, 2025.)

(Rule 20.2 adopted effective January 1, 2025.)